



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: Kemmerer, Elizabeth
	)	
Avi ASHKENAZI, et al.	)	Art Unit: 1646
	)	
Application Serial No. 09/904,766	)	Attorney's Docket No. 39780-1618 P2C33
	)	
Filed: July 12, 2001	)	<b>Customer No. 35489</b>
	)	
For: <b>PRO269 POLYPEPTIDES</b>	)	

---

**EXPRESS MAIL LABEL NO. EL 976 543 868 US**  
**Date Mailed: November 3, 2004**

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Supplemental Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form Supplemental PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- ☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- ☒ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- ☐ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39780-1618P2C33)**.

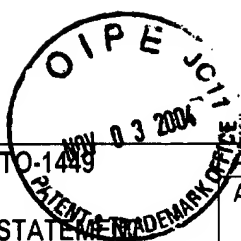
Respectfully submitted,

By: Leslie Mooi

Leslie A. Mooi (Reg. No. 37,047)

Dated: November 3, 2004

**HELLER EHRMAN WHITE & McAULIFFE LLP**  
275 Middlefield Road  
Menlo Park, CA 94025-3506  
(650) 324-7000  
**Customer No. 35489**



SUPPLEMENTAL FORM PTO-1449

Attorney's Docket No. 39780-1618 P2C33

Application Serial No. 09/904,766

## INFORMATION DISCLOSURE STATEMENT

Applicant(s)

Avi ASHKENAZI, et al.

(use several sheets if necessary)

Filing Date: July 12, 2001

Group Art Unit: 1646

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date (if appropriate)
	1.						

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation	
							YES	NO
	2.							

## OTHER DOCUMENTS

(including author, title, date, pertinent pages, etc.)

Examiner Initials	Ref. No.	Title
	3.	Hyman, Elizabeth <i>et al.</i> , "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer," <i>Cancer Research</i> , 62: 6240-6245, (2002).
	4.	Ørntoft, Torben F. <i>et al.</i> , "Genome-Wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive and Invasive Human Transitional Cell Carcinomas," <i>Molecular &amp; Cellular Proteomics</i> 1.1, 37-45 (2001).
	5.	Pollack, Jonathan <i>et al.</i> , "Microarray Analysis Reveals a Major Direct Role of DNA Copy Number Alteration in the Transcriptional Program of Human Breast Tumors," <i>PNAS</i> , 99:(20) 12963-12968 (2002).
	6.	
	7.	
	8.	
	9.	
	10.	
	11.	
	12.	
	13.	
	14.	
	15.	
	16.	
	17.	
	18.	
	19.	
	20.	
	21.	
	22.	
	23.	

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

\*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).